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Subject: Follow-Up
Date: October 28 2013 at 2:54 PM
To: CC Grisham grish@me com
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Curt,

I recently had the opportunity to review the Arkwood issue with Adrielle Churchill, Congressman Womack's legislative counsel.

Based on the discussions we've had, the response to my initial inquiry and the interagency summary notes from the September 5th meeting provided by EPA, the following represents our current understanding of the issue pertaining to delisting from the NPL and returning to a productive use:

- Ø The Arkwood site has had the attention of many people at EPA Region 6, EPA HQ and ADEQ over the years. The attendee list for the Sept. 5, 2013, meeting noted the involvement of 12 people from EPA and 10 from ADEQ.
- Ø A congressional inquiry into the status of the clean-up of this site – including questions that specifically focused on the aspects of the issue pertaining to delisting from the NPL and returning to a productive use – following the September 5th meeting was sent by our office on September 26th and received, processed and replied to by EPA on Oct. 18th.
- Ø Additionally, Congressman Griffin's office, Congressman Crawford's office and Senator Pryor's office were informed by our office of both our inquiry and the response we received as these offices were previously or subsequently contacted in relation to my initial conversation with you.
- Ø Tim Gauger, chief legal counsel in Governor Beebe's office, has been engaged in this issue. Our office has supplied him with both the response to our inquiry as well as the summary notes EPA provided you from the September 5th meeting. Subsequent to receiving the EPA response to our inquiry, I spoke with Tim about it. As ADEQ is a state agency, it was agreed that it would be most appropriate for the Governor's office to look into the concerns related to ADEQ and the Arkansas Water Quality Standard as it is being applied in this case.
- Ø EPA has said that the Arkwood site can return to productive use at any time, provided that the remedy, and any updates due to the dioxin re-evaluation, is not compromised.
- Ø Both the EPA response and the summary notes provide three factors needed to be addressed in order to reach a conclusion in the clean-up progress and deletion of the site from the NPL, and two of those factors included a timeline when certain goals are expected to be met:
 - § December 2013 – site institutional controls to be completed (assuming agreement by all parties involved)
 - § September 2014 – site dioxin re-evaluation to be completed assuming the following schedule:
 1. Fall/Winter 2013 – approval of the conceptual site model and field sampling plans by EPA Region 6 with concurrence by EPA HQ and ADEQ;
 2. Winter 2013/Spring 2014 – field sampling conducted with subsequent data validation; and
 3. Spring/Summer 2014 – data interpretation with a site dioxin re-evaluation report finalized by September.
 - § Site achievement of Arkansas Water Quality Standards for PCP in the groundwater have not been achieved as specified in the 1990 Record of Decision.
- Ø Congressman Womack's office noted to the EPA that this is an ongoing issue despite nearly 25



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years working on it. Our office was assured that EPA is making an effort to expedite clean-up to reach the point of deletion from the NPL. Their response to our inquiry specifically said, **“This site is one of the earliest sites nationwide going through dioxin re-evaluation. EPA will work closely with the landowner, McKesson Corporation, and ADEQ to expedite the cleanup process.”** (*emphasis added*)

It appears that EPA has been responsive to our questions and provided clear and direct answers to the existing issues and the expected timeline going forward. At this point in the process, as it pertains to the issue of delisting from the NPL and returning to a productive use, we feel that we have carried this inquiry as far as possible. However, I will keep your case on file as I recognize this is a multi-year issue going forward and is the Third Congressional District’s sole Superfund site. Should you have any issue with EPA or ADEQ providing timely responses to questions specific to the issue of delisting from the NPL and returning to a productive use, please let me know. I can always reopen the case and make a new inquiry to assist with obtaining information pertaining to project status or questions that are not being addressed if that is the case. That is why I bolded the last sentence in my review above. Our office was promised by EPA that it “...will work closely with the landowner, McKesson Corporation, and ADEQ to expedite the cleanup process.” I know you have felt such cooperation hasn’t occurred historically, and Congressman Womack’s office is willing to hold EPA to their word should you experience anything different going forward.

Thank you.

** Please note that I realize your issues with this entire process extend beyond the scope of my inquiry. (This includes but is not limited to issues pertaining to the validity of the original listing of the site, past FOI concerns, property-owner liability, etc.) There are some aspects of the Arkwood site issue that may or may not require legal representation on your family’s behalf, and our office has neither the jurisdiction or authority to provide legal counsel and support.

Kyle Weaver | *Projects Director*
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